(1) CP 1001 (3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CHHATTISGARH)

WRIT PETITION NO. 3173 /2003

PETITIONER

Bhanwar Lal Sahu, aged about 45 years, son of Late Ramlal Sahu, Sahayak Gram Panchayat Adhikari, Vill. and Post Khadma, Block – Chhura, District Raipur (Chhattisgarh).

VERSUS

RESPONDENTS

1. The State of Chhattisgarh, through : The Secretary, Department of Panchayat and Rural Development, Dau Kalyan Singh Bhawan, Mantralay, Raipur (Chhattisgarh).

2. The Joint Director, District Office, Panchayat and Social Welfare, Raipur (Chhattisgarh)

3. The Collector, District Raipur (Chhattisgarh).

4. The Chief Executive Officer, Janpad Panchayat, Chhura, District – Raipur (Chhattisgarh).

P. R. No. 3099/03
Presented by Shri P. P. Sahu
dated 03.10.03

शपथ आयुक्त
एस. के. शुक्ला
बिलासपुर (छ.ग.)
बालपुर तहसील कोर्ट

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS/CERTIORARI, ORDER/ORDERS, DIRECTION / DIRECTIONS PROHIBITION ETC.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(18)

आदेश पत्रक

मामला क्रमांक WP 3173 सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	21-11-2003 Shri P.P. Sahu, counsel for the petitioner. Dr. N.K. Shukla, Addl. Advocate General takes notice for respondents 1 to 3. By this petition filed under Article 226/227 of the Constitution of India, the petitioner has challenged the order dated 22-9-2003 passed by the Deputy Secretary, Panchayat and Rural Development Department, whereby the petitioner's services has been transferred from the village Panchayat Khadma, Block Chhura, District Raipur to District Dantewada. The petitioner was appointed as Gram Sahayak on 15-6-1987 and since then he is serving on the said post. The petitioner's service is governed by the Panchayat and Rural Development Clause III (Ministerial and Non-ministerial) Service Recruitment Rules 1992 whereby the seniority is maintained district wise, and therefore, the petitioner's services is transferable within the district only in order to maintain district wise seniority. Contrary to that respondent No.1 had transferred the petitioner from District Raipur to district Dantewada. The petitioner's children are studying in class IX and VI respectively, therefore, this order will affect the education of the children adversely and the transfer has not been made in	

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(10)

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित —2—	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

administrative exigency. It has been made under the political pressure, therefore, the impugned order be quashed.

I have heard the learned counsel for the parties.

Learned counsel for the petitioner submits that the seniority of the petitioner's service is maintained district wise and, therefore, he cannot be transferred out of the district and the same will affect the seniority of the petitioner, therefore, he may be allowed to make a detailed representation against the impugned order to which the learned Additional Advocate General has no objection.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioner is allowed to make a detailed representation raising all his grievances to respondent No.1 within a period 15 days from today and in turn respondent No.1 will consider the representation of the petitioner and after considering all his grievances shall pass reasoned order in an objective manner within a period 30 days from the date of receipt of the representation.

If the petitioner has already not been relieved from the post then he may be allowed to continue till the representation is decided.

Writ petition is disposed of accordingly.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(20)

आदेश पत्रक

मामला क्रमांक WP 3173 सन् 2003

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित -3-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	Consequently, M.(W.)P. No. 2895/2003 and I.A. No. 9343/2003 also stand disposed of. Parties are entitled for certified copy of this order. Sd/- L.C.BHADOO Judge	

Bansal

27/11/03